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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,962	03/11/2004	Vincent P. Walker	00216-658001 / Case 8128	9016

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EXAMINER

BLAKE, CAROLYN T

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,962

Applicant(s)

WALKER ET AL.

Examiner

Carolyn T. Blake

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 and 26-104 is/are pending in the application.
- 4a) Of the above claim(s) 5-23, 30-33, 35-53, 60-64, 69-87, 93-98, 100 and 104 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34, 54-59, 65-68 and 88-92 is/are allowed.
- 6) ☒ Claim(s) 1-4, 24, 26-29, 99 and 101-103 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment and remarks filed on June 7, 2006.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election/Restrictions

3. Newly submitted claim 104 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: This claim reads on a withdrawn species, Group V.

Since Applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 104 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Objections

4. Claim 1 is objected to because of the following: The phrase "said leading elastomer portion" (line 15) lacks proper antecedent. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 103 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one

skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation requiring "said elastomeric member covering substantially an entire upper surface of the plastic housing from a forward most portion of the shaving blade unit rearward to a location forward of a normal projection of said connection structure onto said width axis" (lines 15-17) constitutes new matter because it was not described in the original disclosure.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 3, 4, 102, and 103 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.'

Claim 1 claims a housing with a front portion, a rear portion, and two side surfaces. Dependent claim 3 further claims exterior side surfaces. It is unclear how the housing comprises a front portion, a rear portion, two side surface, and further exterior side surfaces. Clarification is required.

Claim 102 recites the limitation "both exterior side surfaces" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 103 requires "said elastomeric member covering substantially an entire upper surface of the plastic housing from a forward most portion of the shaving blade unit rearward to a location forward of a normal projection of said connection structure onto said width axis" (lines 15-17). This limitation is not understood. From the figures, it

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appears the elastomeric member covers part of a surface of the housing from a forward most portion of the shaving blade unit forward to a location forward of a projection.

Claim Rejections - 35 USC § 102

9. Claims 1-4, 24-29, 99, 101, and 103 are rejected under 35 U.S.C. 102(b) as being anticipated by Apprille, Jr. et al (5,249,361).

Apprille, Jr. et al disclose a shaving blade unit substantially as claimed, including a housing having a front portion and a rear portion and two side surfaces extending from the front portion to the rear portion, the housing having a length extending from one side surface to the other side surface; one or more shaving blades positioned between the front portion and the rear portion, the one or more blades having a blade length extending along respective one or more parallel blade axes; and a guard (100) at the front portion of the housing, the guard comprising an elastomeric member (118) that extends along a guard axis that is parallel to the respective one or more blade axes, the elastomeric member having a length along the guard axis that is greater than or equal to the blade length, and wherein the elastomeric member also extends along a width axis, said width axis extending perpendicular to the guard axis and in a direction from said housing rear portion toward said housing front portion; and wherein a leading portion (see FIG 7) of the elastomeric member extends beyond a leading edge of the front portion of the plastic housing, said leading elastomer portion being forward of a rear elastomer portion, said rear elastomer portion being supported by the plastic housing, and wherein a width of the leading elastomer portion exceeds a width of the supported rear elastomer portion.

Regarding claim 2, Apprille, Jr. et al disclose the elastomeric member (118) extends to the side surfaces of the housing.

Regarding claim 3, to the extent understood, Apprille, Jr. et al disclose the elastomeric member (118) extends over exterior sides surfaces of the housing. See FIG 7.

Regarding claim 4, Apprille, Jr. et al disclose the elastomeric member (11) forms a protrusion (15) extending outwardly from at least one of the side surfaces.

Regarding claim 24, Apprille, Jr. et al disclose the elastomeric member (11) is flexible.

Regarding claim 25, Apprille, Jr. et al disclose a leading portion of the elastomeric member (11) extends beyond a leading edge of the front portion of the housing in a direction perpendicular to the guard axis and blade axis.

Regarding claim 26, Apprille, Jr. et al disclose the leading portion is substantially unsupported along its length.

Regarding claim 27, Apprille, Jr. et al disclose the leading portion is sufficiently flexible to deflect upon contact with a user's skin.

Regarding claim 28, Apprille, Jr. et al disclose the leading portion is sufficiently flexible to conform to a contour of the user's skin during shaving.

Regarding claim 29, Apprille, Jr. et al disclose the leading portion has a first thickness (a wall 52 near each side surface) adjacent the side surfaces of the housing, and tapers to a second, lesser thickness (a cavity 44 near the center) adjacent a center region of the guard.

Regarding claim 99, Apprille, Jr. et al disclose a shaving razor comprising: a handle; and a shaving cartridge including connection structure connection the cartridge to the handle, the shaving cartridge comprising: a plastic housing having a front portion and a rear portion and two side surfaces extending from the front portion to the rear portion, the housing having a length extending from one side surface to the other side surface; one or more having blades positioned between the front portion and the rear portion, the one or more blades having a blade length extending along respective one or more parallel blade axes; and a guard (100) at the front portion of the housing, the guard comprising an elastomeric member (118) that extends along a guard axis that is parallel to the respective one or more blade axes, the elastomeric member having a length along the guard axis that is greater than or equal to the blade length, and wherein the elastomeric member also extends along a width axis, said width axis extending perpendicular to the guard axis and in a direction from said housing rear portion toward said housing front portion; and wherein a leading portion (see FIG 7) of the elastomeric member extends beyond a leading edge of the front portion of the plastic housing, said leading elastomer portion being forward of a rear elastomer portion, said rear elastomer portion being supported by the plastic housing, and wherein a width of the leading elastomer portion exceeds a width of the supported rear elastomer portion.

Regarding claim 101, Apprille, Jr. et al disclose the shaving cartridge is removably connected to the handle by the connection structure.

Regarding claim 103, to the extent understood, Apprille, Jr. et al disclose a shaving blade unit comprising: a plastic housing having a front portion and a rear portion and two side surfaces extending from the front portion to the rear portion, the plastic housing having a length extending from one side surface to the other side surface, said plastic housing defining a connection structure adapted to connect the blade to a handle; one or more shaving blade positioned between the front portion and the rear portion, the one or more blade having a length extending along respective one or more parallel blade axes; and a guard (100) at the front portion of the housing, the guard comprising an elastomeric member (118) that extends along a guard axis that is parallel to the respective one or more blade axes, the elastomeric member having a length along the guard axis that is greater than or equal to the blade length; and wherein the elastomeric member extends along width axis, said width axis extending perpendicular to the blade axes and in a direction from said housing rear portion toward said housing front portion, said elastomeric member covering substantially an entire upper surface of the plastic housing from a forward most portion of the shaving blade unit rearward to a location forward of a normal projection of said connection structure onto said width axis.

Allowable Subject Matter

10. Claims 34, 54-59, 65-68, and 88-92 allowed.

Response to Arguments

11. Applicant's arguments with respect to claims 1-4, 24-29, 99, 101, and 103 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CB
CB

August 15, 2006



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER